GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:5739
ANSWERED ON:02.05.2002
APEX COURT
RAGHUNATH JHA

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether attention of the Government has been drawn to the news item captioned, `Police must prove charges, Rules SC` appearing in the Times of India dated October 18, 2001;

(b) if so, the details and reaction of the Government thereto; and

(c) he action proposed to be taken in this regard?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY)
(a) : Yes, Sir.

(b)&(c): The Supreme Court in its judgementdated the 16th October, 2001 in Criminal Appeal Nos. 230-231 of1999 dated 16th October, 2001 in the case of Subash Chand Vs. State of Rajasthan (2002 Vol. I SCC p. 702) has observed: `A vigilant investigating officer, well-versed with the techniques of the job, is in a position to collect the threads of evidence finding out the path which leads to the culprit. The accusation has to be proved to the hilt in a court of law. The evidence of investigating officer given in the court should have a rhythm explaining step by step how the investigation proceeded leading to detection of the offender and collection of evidence against him. This is necessary to exclude the likelihood of any innocent having been picked up and branded as culprit and then the gravity of the offence arousing human sympathy persuading the mind to be carried away by doubtful or dubious circumstances treating them as of `beyond doubt` evidentiary value.

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The Government is empowering the State Governments to establish the Directorate of Prosecution as an independent prosecution agency under the administrative control of the head of the Home Department in the State.This will help, inter alia in improving the quality of investigation through better coordination between the investigation and prosecution agencies. Segregation of law and order duties from investigation work is also contemplated for promoting greater professionalism in the investigation work.